

**SUGGESTED FORMAT OF THE MUTUAL DIVORCE PETITION DRAFT**

BEFORE THE PRINCIPAL JUDGE, FAMILY COURT AT (NAME OF THE PLACE)

HMA PETITION No. \_\_\_\_\_ OF

IN THE MATTER OF:

(Name and address of the Husband) Petitioner No.1

(AND)

(Name and address of the wife) Petitioner No.2

**PETITION UNDER SECTION 13 (1) (I-B) OF THE HMA FOR DISSOLUTION OF MARRIAGE BY MUTUAL CONSENT**

MOST RESPECTFULLY SUBMITTED AS UNDER:

1. The marriage between the parties was solemnized on ----at ----, by Hindu rites and ceremonies. The said marriage was consummated thereafter and the parties lived as husband and wife at the matrimonial home i.e. ----. The particulars showing the details of the parties to the present petition is given here under:

HUSBAND

BEFORE MARRIAGE

Age Address Status

HUSBAND

AFTER MARRIAGE

Age Address Status

WIFE

BEFORE MARRIAGE

Age Address Status

AFTER MARRIAGE

Age Address Status

2. That there is no child born out of the wedlock of the parties. (or describe the name age and date of birth of the children and also describe the agreement about the custody of the children between the couple specifically in the Mutual Divorce Petition Draft).

3. That the parties could not adjust with each other due to temperamental differences and their marriage has broken down irretrievably and it is now not possible between the parties to live as husband and wife anymore.

4. That all the efforts of reconciliation between the parties to continue the present marriage have failed and there are no further chances of reconciliation between the parties anymore.

5. That the parties are residing separately since \_\_\_\_\_ and there is no cohabitation between the parties since then. (Seek specific legal advice on the issue as it varies for Hindus and Christians then mention it in Mutual Divorce Petition Draft)
6. That the parties have now decided to dissolve the marriage legally through a decree of divorce on mutual consent. The parties have settled all their claims, counterclaims, etc. and the respondent-wife has received her entire Stridhan, Permanent alimony, maintenance, etc. and there is no due with regard to any other claim between the parties now. (Seek online legal service for the drafting of the mutual divorce agreement which regulates the entire terms and conditions of mutual divorce)
7. That the party has decided to withdraw all the complaints, counter complaints against each other.
8. That the present petition is not being filed in collusion.
9. That there are no other divorce proceedings pending before any other court.
10. That the matrimonial home of the parties was at \_\_\_\_\_hence this court has the jurisdiction to grant the decree of divorce as prayed for.
11. That there are no legal impediments in the grant of the decree of divorce to the parties on the basis of mutual consent.
12. That the terms and conditions between the parties are contained in the MOU signed and executed between the parties which are being attached as a part of the present petition and the parties undertake to comply with the same.

#### **P R A Y E R**

It is most respectfully prayed that the court may accept the present petition and grant a decree of divorce between the parties thereby, dissolving the marriage between the parties.

Any other order which the court may deem fit and proper in the facts and circumstances of the present case be also passed in favor of the petitioners.

Petitioner No.1

Petitioner No.2